

**FENWICK & WEST LLP**

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Tel 650.988.8500 • Fax 650.938.5200 • www.fenwick.com

DATE: August 6, 2003**ACCOUNT #:** 22227-05479**FROM:** Amir H. Raubvogel, Esq.

(650) 335-7276 Direct Dial
(650) 988-8500 General
(650) 938-5200 Fax

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AUG 07 2003

Technology Center 2100

CONFIDENTIAL

TO:	Leslie Wong
COMPANY:	United States Patent and Trademark Office Group Art Unit 2771
FAX NO.:	(703) 746-7238
TELEPHONE NO.:	(703) 305-3018
NUMBER OF PAGES:	17 (Including cover sheet)

MESSAGE:

Re: Applicant: Ted E. Dunning and Bradley D. Kindig
Serial No.: 09/848,982
Filing Date: May 3, 2001
Title: TEXT EQUIVALENCING ENGINE
Atty. Dkt. No.: 22227-05479

Enclosed please find Amendment B After Final Office Action and Statement of Substance of Interview for filing with the U.S. Patent and Trademark Office in connection with the above-referenced application.


AHR/clm

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A9000/00000/DOCS/94A570.1

PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

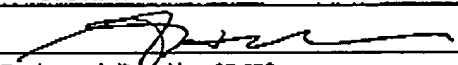
0001/PTO Rev. 10/95 TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/848,982	
		Filing Date	May 3, 2001	
		First Named Inventor	Ted E. Dunning	
		Group Art Unit Number	2177	
		Examiner Name	Leslie Wong	
Total Number of Pages in This Submission		16	Attorney Docket Number	22227-05479

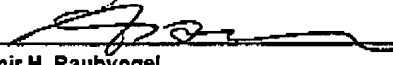
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ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) []
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/>
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/>
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input checked="" type="checkbox"/> Amendment/Response: 13 Page(s) <input checked="" type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Amir H. Raubvogel, Reg. No.: 37,070	Dated:	August 6, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.			
Signature:			
Typed or Printed Name:	Amir H. Raubvogel	Dated:	August 6, 2003
Facsimile Number:	1-703-746-7238		

22227/05479/DOCS/1368685.1

PTO/SB/17 (10-02) (Modified)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 0.00**Complete If Known**

Application Number	09/848,982
Filing Date	May 3, 2001
First Named Inventor	Ted E. Dunning
Examiner Name	Leslie Wong
Art Unit	2177
Attorney Docket No.	22227-05479

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ None
☐ Deposit Account:

Deposit Account Number 19-2655

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
35	20	9	0
4	3	42	0

Multiple Dependent

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

-or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (3) (\$)

-Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Amir H. Raubvogel

Registration No.
(Attorney/Agent)

37,070

Complete (if applicable)

Telephone (650) 335-7276

Signature

Date

August 6, 2003

22227/05479/DOCS/1368691.1

1358228

**FENWICK & WEST LLP**

Silicon Valley Center • 801 California Street • Mountain View, CA 94041
Tel 650.988.8500 • Fax 650.938.5200 • www.fenwick.com

DATE: August 6, 2003**ACCOUNT #:** 22227-05479**FROM:** Amir H. Raubvogel, Esq.

(650) 858-7276 Direct Dial

(650) 494-0600 General

(650) 494-1417 Fax

C O N F I D E N T I A L**TO:** Leslie Wong**COMPANY:** U.S. Patent and Trademark Office**FAX NO.:** (703) 746-7470**NUMBER OF PAGES:** 11 (Including cover sheet)**MESSAGE:** RE: Serial No.: 09/848,982

Per your request, attached is a copy of the Office Action dated May 13, 2003.


AHR/clm**CAUTION - CONFIDENTIAL**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,982	05/03/2001	Ted E. Dunning	22227-05479	8782

758 7590 05/13/2003
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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MAY 19 2003

FENWICK & WEST LLP

EXAMINER

WONG, LESLIE

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 05/13/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,982

Applicant(s)

DUNNING ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Application/Control Number: 09/848,982
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DETAILED ACTION***Response to Amendment***

1. Receipt of Applicant's Amendment, filed 30 January 2003, is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Damashek (U.S. Patent 5,418,951).

Regarding claims 1, 12, 23, and 34, Damashek teaches a computer-implemented method of text equivalencing from a string of characters 3 comprising:

- a). modifying the string of characters using a predetermined set of heuristics (col. 4, line 64 – col. 5, line 5; col. 8, line 64 col. 9, line 2);
- b). comparing the modified string with a known string of characters in order to locate a match (col. 4, lines 10-60);
- c). responsive to not finding a match, forming a plurality of sub-strings of characters from the string of characters (col. 3, lines 21-24; col. 4, lines 24-27); and

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d). using an information retrieval technique on the sub-strings of characters to determine a known string of characters equivalent to the string of characters (col. 3, lines 22-31 and col. 4, lines 10-60).

Regarding claims 2, 13, 24, and 35, Damashek further teaches a step wherein the information retrieval technique further comprises:

- a). weighting the sub-strings (col. 5, lines 31);
- b). scoring the known string of characters (col. 8, lines 51-56); and
- c). retrieving information associated with the known string of characters with the highest score (col. 9, lines 64-66).

Regarding claims 3, 14, and 25, Damashek further teaches a step comprising, responsive to the highest score being greater than a first threshold, automatically accepting the known string of characters as an exact match (col. 8, lines 51-63).

Regarding claims 4, 15, and 26, Damashek further teaches a step comprising, responsive to the highest score being less than a second threshold and greater than a first threshold, presenting the known string of characters to a user for manual confirmation (col. 9, lines 12-14; col. 10, 45-49).

Regarding claims 5, 16, and 27, Damashek further teaches a step comprising, responsive to the highest score being less than a second threshold and greater than a

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third threshold, presenting the known string of characters to a user to select the equivalent string of characters (col. 9, lines 12-14; col. 10, 45-49).

Regarding claims 6, 17, and 28, Damashek further teaches a step wherein the sub-strings of characters are 3-grams (col. 3, lines 21-24; col. 4, lines 24-27).

Regarding claims 7, 18, and 29, Damashek further teaches a step wherein the string of characters is selected from the group consisting of a song title, a song artist, an album name, a book title, an author's name, a book publisher, a genetic sequence, and a computer program (col. 9, lines 35-37).

Regarding claims 8, 19, and 30, Damashek further teaches a step wherein the predetermined set of heuristics comprises removing whitespace from the string of characters (col. 4, line 64 – col. 5, line 5).

Regarding claims 9, 20, and 31, Damashek further teaches a step wherein the predetermined set of heuristics comprises removing a portion of the string of characters (col. 8, line 64 – col. 9, line 10).

Regarding claims 10, 21, and 32, Damashek further teaches a step wherein the predetermined set of heuristics comprises replacing a symbol in the string of characters with an alternate representation for the symbol (col. 4, line 64 – col. 5, line 5).

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Regarding claims 11, 22, and 33, Damashek further teaches a step wherein storing an indication (i.e., similarity score) that the string of characters is the equivalent of the known string of characters (col. 8, lines 51-56).

Response to Argument

4. Applicant's arguments filed 30 January 2003 have been fully considered but they are not persuasive.

Applicants argue that Damashek does not teach or suggest a step of finding a match for a character string, or attempting to find a string that is equivalent to a query string. In response to the preceding arguments, the Examiner respectfully submits that Damashek teaches finding a match for a character string by comparing it with known text (i.e., reference documents) (col. 5, lines 10-11). The reference documents are parsed into sub-strings (n-grams) for each reference document. Weights are assigned to each unique sub-string (i.e., n-gram). The weight is determined by the relative frequency of occurrence of that n-gram in the reference document (col. 5, 24-30). The string that the system attempts to find a match for is also parsed into a list of unique n-grams and weight is also assigned to each n-gram. The string is then compared to each of the known strings by scoring the string against the known strings (i.e., reference document). The score for the string with respect to the known strings indicates the degree of similarity between the two string (col. 5, lines 54-60). Applicants also remark that Damashek's parsing text into n-grams for the purpose of categorizing documents

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according to language or topic and that Damashek does not form sub-string in response to not finding a match as claimed. It is submitted that Damashek uses the scores of the strings to determine the similarity between the two strings (i.e., a match is found) in order to place the unidentified string into its proper category. Therefore, the Examiner submits that Damashek teaches a step of finding a match for a character string as claimed.

Applicants further allege that there is no mention in Damashek any technique in forming sub-strings as claimed. Additionally, Damashek does not disclose forming sub-string in response to not finding a match. In response to the preceding arguments, the Examiner respectfully submits Damashek teaches forming sub-strings for both know text and string to be matched (i.e., unidentified string). Furthermore, Damashek discloses user assigns threshold scores in order to determine the similarity of the two strings (col. 5, lines 24-39 and lines 54-60 and et seq.). Applicant's invention ultimately has to carry out string decomposition in order to find a match. Damashek, on the other hand, forms sub-strings from the known text and the string to be matched regardless. Therefore, it is submitted that Damashek addresses the limitation as claimed.

Applicants also point out that Damashek's discussion of the limitation: "using an information retrieval technique on the sub-strings of characters to determine a know string of characters equivalent to the string of characters" is entirely unrelated to the

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above recited limitation. In response to the preceding arguments, the Examiner respectfully submits that it is totally relevant to the present invention as Applicant's Specification pages 7, paragraph 0021 to page 15, paragraph 0042 describes in detail such information retrieval technique.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers

Application/Control Number: 09/848,982
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Page 8

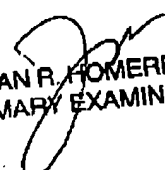
for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Leslie Wong
Patent Examiner
Art Unit 2177

lw
May 9, 2003



JEAN R. HOMERE
PRIMARY EXAMINER

29 2002
U.S. PATENT & TRADEMARK OFFICE


Approved for use through 10/31/2002. OMB 0651-0051

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Substitution for form 1448A/PYO				Complete If Known	
				Application No.	09/848,982
				Filing Date	May 3, 2001
				First Named Inventor	Ted E. Dunning
				Art Unit	2177
				Examiner Name	Leslie Wong
Sheet	1	of	1	Attorney Docket Number	22227-05479

[illegible]

Examiner Signature		Date Considered	5/8/03
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 808.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

22227/05479/DOCS/1304728.1